

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

FRANKLIN COMMUNITY ADVOCATES, INC., *et al.*,

Plaintiffs,
v.
Case No. 22-cv-413-pp

CITY OF FRANKLIN,

Defendant.

**ORDER REMINDING PLAINTIFFS OF OPTION TO FILE AMENDED
COMPLAINT IN LIEU OF RESPONDING TO DEFENDANT'S MOTION TO
DISMISS (DKT. NO. 7)**

On April 26, 2022, the defendant filed a motion to dismiss the complaint under Federal Rule of Civil Procedure 12(b)(6). Dkt. No. 7. The defendant argues that nowhere in the plaintiffs' claim or complaint do the plaintiffs "specify any factual prerequisites for a procedural due process claim, substantive due process claim or equal protection claim." Dkt. No. 10 at 1. The defendant also alleges that the case does not state a claim for relief in federal court, "because the Plaintiffs lack standing to bring this lawsuit, they raise time-barred allegations and claims which are neither ripe nor sufficient for federal court jurisdiction." Id. at 1-2.

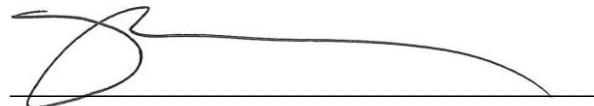
Under Civil Local Rule 7(b), if the plaintiffs wish to oppose the motion they must do so within twenty-one days—that is by May 17, 2022. The plaintiffs are free to timely file a response to the motion to dismiss, but the court reminds the plaintiffs that they have another option—they may file an

amended complaint to try to cure the alleged deficiencies. See Runnion ex rel. Runnion v. Girl Scouts of Greater Chi. and Nw. Ind., 786 F3d 510, 522 (7th Cir. 2015) (explaining that a responsive amendment may avoid the need to decide the motion or reduce the number of issues decided). Fed. R. Civ. P. 15(a)(1) allows the plaintiffs to file the amended complaint as a matter of course within twenty-one days after service of the responsive pleading.

The court **ORDERS** that by May 17, 2022 plaintiffs shall file either an amended complaint or a response to the motion to dismiss.

Dated in Milwaukee, Wisconsin this 27th day of April, 2022.

BY THE COURT:



HON. PAMELA PEPPER
Chief United States District Judge